

SHEPPARD MULLIN RICHTER & HAMPTON LLP

Thomas R. Kaufman (State Bar No. 177936)
 Jennifer S. Abramowitz (State Bar No. 237233)
 1901 Avenue of the Stars, Suite 1600
 Los Angeles, California 90067
 Telephone: (310) 228-3700/Facsimile: (310) 228-3701
 Attorneys for Defendant
BAXTER HEALTHCARE CORPORATION

BLUMENTHAL, NORDREHAUG & BHOWMIK

Norman B. Blumenthal (State Bar No. 068687)
 Kyle R. Nodrehaug (State Bar No. 205975)
 2255 Calle Clara
 La Jolla, California 92037
 Telephone: (858) 551-1223/Facsimile: (858) 551-1232
 Attorneys for Plaintiffs PILARCITA SAYAMAN and
 ALICIA MALDONADO, on behalf of themselves and
 others similarly situated

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

PILARCITA SAYAMAN, ALICIA
 MALDONADO, individuals, on behalf of
 themselves, and on behalf of all persons
 similarly situated,

Plaintiffs,

v.

BAXTER HEALTHCARE
 CORPORATION, a Delaware corporation,
 and Does 1 to 10,

Defendants.

) Case No. CV 10-1049 VBF
)
) ~~PROPOSED~~ ORDER
) APPROVING CLASS
) SETTLEMENT AND DISMISSING
) THE CLASS ACTION WITH
) PREJUDICE
)
) Date: March 21, 2010
) Time: 1:30 p.m.
) Courtroom: 9
)
)
)
)
)
)

///

///

///

~~PROPOSED~~ ORDER APPROVING CLASS SETTLEMENT AND DISMISSING THE CLASS
 ACTION WITH PREJUDICE

1
2 This matter having come before the Court for hearing, pursuant to the order
3 of this Court dated November 22, 2010, on the application of the Plaintiffs for final
4 approval of the settlement set forth in the Settlement Agreement ("Agreement").
5 Due and adequate notice having been given to the Class as required in said order,
6 and the Court having considered all papers filed and proceedings conducted in this
7 action and otherwise being fully informed and good cause appearing therefor,
8

9 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

10 1. This Order incorporates by reference the definitions in the Agreement,
11 and all terms used herein shall have the same meanings as set forth in the
12 Agreement.

13 2. For purposes of the Action, the Court has subject matter and personal
14 jurisdiction over the Parties, including all Settlement Class Members.

15 3. Pursuant to Federal Rules of Civil Procedure, rule 23 and due process,
16 the Court hereby finally approves the settlement set forth in the Agreement and
17 finds that such settlement is, in all respects, fair, reasonable and adequate to the
18 Settlement Class. The Court further finds that the Agreement and settlement set
19 forth therein were entered into in good faith following arms length negotiations
20 and is non-collusive.

21 4. The Settlement Class consists of the following:

22 "All individuals who, at any time between February 12,
23 2006, and preliminary approval of the settlement, but in
24 no event not later than October 15, 2010, worked for
25 Baxter Healthcare Corporation in the position of Quality
26 Laboratory Associate I, II or III."
27
28

1 5. Excluded from the settlement are those persons who have submitted
2 valid and timely requests for exclusion. Every person in the Settlement Class who
3 did not opt out is a Settlement Class Member.

4 6. With respect to the Settlement Class Members, the Court finds and
5 concludes that: (a) the Settlement Class Members are so numerous that joinder of
6 all Settlement Class Members in the Action is impracticable; (b) there are
7 questions of law and fact common to the Settlement Class Members that
8 predominate over any individual questions; (c) the claims of Plaintiffs are typical
9 of the claims of the Settlement Class Members; (d) Plaintiffs and Class Counsel
10 have fairly and adequately represented and protected the interests of the Settlement
11 Class Members; and (e) a class action is superior to other available methods for the
12 fair and efficient adjudication of the controversy.

13 7. This action is hereby dismissed with prejudice as to Plaintiffs and all
14 Settlement Class Members. Upon approval of the settlement and entry of this
15 Order, Plaintiff and each Settlement Class Member shall be deemed to have, and
16 by operation of this Order, shall have fully and finally released any and all
17 Released Claims as to the Released Parties.

18 8. The Court finds that the Notice provided to the Settlement Class
19 Members were the best notice practicable under the circumstances of these
20 proceedings and of the matters set forth therein, and that the Notice fully satisfies
21 the requirements of the Federal Rules of Civil Procedure, rule 23, due process and
22 any other applicable laws.

23 9. Any order regarding the application for Class Counsel's attorneys'
24 fees and Plaintiffs' incentive fee shall in no way disturb or affect this Order and
25 shall be considered separate from this Order.

26 10. Without affecting the finality of this Judgment and Order in any way,
27 this Court hereby retains continuing jurisdiction over, inter alia: (a) interpretation,
28 implementation and enforcement of the settlement and the payments to be made

1 under the settlement; (b) the hearing and determination of applications for Class
2 Counsel's attorneys' fees and costs and Plaintiffs' incentive award; and (c) the
3 enforcement and administration of the Agreement.

4 **IT IS SO ORDERED.**

5
6 Dated: __ March 21, 2011

Valerie Baker Fairbank

Hon. Valerie Baker Fairbank
United States District Court Judge